



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING
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TECHNICAL STAFF REPORT

*Petition Accepted on February 22, 2007
Planning Board Meeting of April 17, 2007
County Council Hearing to be scheduled*

Case No./Petitioner: ZRA-79 – Mary Kay Sigaty, Councilperson

Request: Zoning Regulation Amendment to amend the NT District regulations, to establish a new Section 125.A.8. requiring a maximum building height of 150 feet with provisions concerning precedence over Final Development Plans, and to amend Section 125.E.4. to prohibit the use of the process for Adjustments to Bulk Regulations for Individual Lots to adjust the 150 foot maximum building height requirement of Section 125.A.8.

Department of Planning and Zoning Recommendation:

APPROVAL

I. DESCRIPTION OF PROPOSAL

The Petitioner proposes two amendments to the Zoning Regulations. Each proposed amendment is generally described as follows:

1. The first amendment would be to Section 125.A. concerning the Definitions, Requirements and Restrictions applicable to NT Districts, and would add a new Section 125.A.8. establishing a maximum building height of 150 feet for the entire NT District. This new section provides that this maximum building height supersedes Final Development Plan height requirements unless the maximum height requirement in any Final Development Plan is less than 150 feet.
2. The second amendment would be to Section 125.E. concerning the process whereby an owner of an NT parcel or lot may request adjustments to parking, setback, height, lot coverage, or other bulk requirements as specified in a Final Development Plan, to establish that the 150 foot maximum building height requirement of Section 125.8. is not able to be adjusted through this process.

The Petitioner states that the amendments are to “...ensure that future developments in the New Town zoning districts adhere to height limits that have been deemed acceptable during recent community-based master planning efforts. The goal of the proposed change is to maximize creative, acceptable urban design efforts for future development in New Town zoning districts.”

According to information at the end of Attachment A, the amendments are intended as an interim step, because it states that the amendments would “...remain effective until the Master Plan for Downtown Columbia and implementation of New Town zoning changes are adopted...”.

I. DESCRIPTION OF PROPOSAL (continued)

The subsections proposed to be amended and the amendment text is as follows (CAPITALS indicates text to be added; text in [[brackets]] indicates text to be deleted):

1. § 125.A.8.

THE MAXIMUM BUILDING HEIGHT IN NT SHALL BE 150 FEET. IF STRICTER BUILDING HEIGHT LIMITS ARE PROVIDED ON A FINAL DEVELOPMENT PLAN, THEN THE FINAL DEVELOPMENT PLAN HEIGHTS SHALL APPLY. HOWEVER, IF A FINAL DEVELOPMENT PLAN PERMITS BUILDING HEIGHT LIMITS GREATER THAN 150 FEET, THEN THIS SECTION SHALL SUPERSEDE THE FINAL DEVELOPMENT PLAN.

BUILDING HEIGHT LIMITS AS PROVIDED IN THIS SECTION SHALL NOT BE ADJUSTED IN ACCORDANCE WITH SECTION 125.E.4. BELOW.

2. § 125.E.4.

EXCEPT FOR BUILDING HEIGHT REQUIREMENTS AS PROVIDED IN SECTION 125.A.8, UPON [[Upon]] the request of the owner of a particular lot, the Planning Board may approve parking, setback, height, lot coverage, or other bulk requirements for such lot or parcel which differ from those required by the applicable Final Development Plan, in accordance with the following procedures:

II. EXISTING REGULATIONS

The NT District regulations were originally established by a zoning regulation amendment to the 1961 Zoning Regulations in Zoning Board Case No. 398, approved on May 27, 1965. Since that time, there has not been an overall maximum height requirement for the NT District, but instead the maximum building heights for NT properties have been set as provided for in the individual Final Development Plans recorded for the various areas in the NT District.

Although the standard Euclidian zoning districts each have at least one maximum building height and sometimes more for different building types, in the NT District the bulk requirements such as maximum building height have always been governed by the bulk requirements in the individual recorded Final Development Plans. If a maximum building height is given in a Final Development Plan, there are usually provisions which allow the Planning Board to override the stated maximum building height through the approval of a specific Site Development Plan.

The provisions to allow bulk regulation adjustments as requested by individual NT property owners were originally established in the 1993 Zoning Regulations. These provisions are used in most cases to allow the equivalent of residential variances from setback and maximum lot coverage requirements.

III. BACKGROUND INFORMATION

A. Scope of Proposed Amendments

- # **The amendments are applicable to all NT zoned properties in all land use designations, including all residential, commercial and industrial areas.**

However, because it is likely there are many Final Development Plans that have maximum building heights of much less than 150 feet, such as in the single-family residential areas, the 150 foot maximum height would have no significance in such areas because the stricter, lower maximum height requirement in the recorded Final Development Plan would have precedence.

B. Agency Comments

The following agency had no objections to the proposal:

1. Department of Inspections, Licenses and Permits

IV. EVALUATIONS AND CONCLUSIONS

A. Relation to the General Plan

- # **The Petitioner states that the amendments are in harmony with the Community Conservation and Enhancement Policy No. 5.3 to “Promote new mixed use focal areas that are in scale and character with their context.”**

Although this policy is more directly related to the establishment of focal areas in new mixed use developments rather than in the NT District, the proposed amendments do advance the concept of encouraging that the building heights of new development in the NT District be more compatible in scale and character with the context of the existing development.

- # **Community Conservation and Enhancement Policy No. 5.7 to “Ensure infill development will be compatible with existing neighborhoods” was intended to apply principally to residential neighborhoods and new residential development within those neighborhoods. However, given the circumstances of the overall mixed-use nature of the NT District and of the Town Center area in particular, this policy certainly can be associated in a general way with the amendments purpose to establish a reasonable building height limitation.**

B. Relation to the Zoning Regulations

- # **The NT District regulations are almost 42 years old. These regulations, which are recognized as being somewhat complicated, were originally deliberately designed to allow as much development flexibility as possible. The reason for this is because such flexibility was considered absolutely essential to have over the foreseen prolonged development period, in order to achieve the creation of a new community that in 1965 was still just a very ambitious vision for a large amount of farm land.**

IV. EVALUATIONS AND CONCLUSIONS (continued)

B. Relation to the Zoning Regulations (continued)

This built-in flexibility correctly anticipated that many changes could occur during decades of development, including market changes, evolving development types and practices, and updated design preferences.

- # **However, the Columbia that was only conceptual in 1965 now is largely complete. In what was once a sparsely populated rural area, Columbia is an important, dynamic community that has its own interests and ideas about its own future. One matter of major importance to the community is determining how to best manage the probable future redevelopment of certain older areas of the community. The Town Center area is perhaps the foremost subject of this debate.**

Unlike the flexibility intentionally established in the 1965 NT District regulations so that the original developer could better deal with the unknown factors of developing the then new Columbia, there is now much interest in a less flexible, more defined and predictable approach to the redevelopment of as-built Columbia, to better enable the community to achieve its own visions of what it would like to become in time.

- # **By advocating a new definite maximum building height requirement for the NT District, the proposed amendments are an initial example of this interest, and are in keeping with the intent of using the Zoning Regulations "...to guide the orderly growth and development of the County."**

C. Recommended Revisions

- # **The Department of Planning and Zoning recommends a more simplified wording to establish that the 150 foot maximum building height supersedes Final Development Plans permitting building heights higher than 150 feet, but not Final Development Plans with maximum building heights lower than 150 feet.**
- # **As noted above, certain Final Development Plans may contain terms allowing the Planning Board flexibility in establishing certain bulk requirements such as building height that may conflict with the proposed amendments. It is recommended that a provision be added to eliminate any conflict on that issue, and if this is established as recommended, there would be no need to make any amendments concerning 125.E.4. as currently proposed.**
- # **The recommended text for Section 125.A.8. is as follows:**

THE MAXIMUM BUILDING HEIGHT IN THE NT DISTRICT SHALL BE 150 FEET. THIS MAXIMUM BUILDING HEIGHT REQUIREMENT SUPERSEDES THE BUILDING HEIGHT REQUIREMENTS IN ALL FINAL DEVELOPMENT PLANS EXCEPT FOR THOSE FINAL DEVELOPMENT PLANS SPECIFYING A MAXIMUM BUILDING HEIGHT REQUIREMENT THAT IS LESS THAN 150 FEET.

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IV. EVALUATIONS AND CONCLUSIONS (continued)

C. Recommended Revisions (continued)

NOTWITHSTANDING ANY TERMS TO THE CONTRARY ESTABLISHED IN THE FINAL DEVELOPMENT PLANS OR ELSEWHERE IN THESE ZONING REGULATIONS, THE PLANNING BOARD SHALL HAVE NO AUTHORITY TO APPROVE ANY BUILDING HEIGHT IN THE NT DISTRICT GREATER THAN 150 FEET.

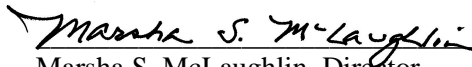
- # **The Department of Planning and Zoning also recommends consideration as to whether an absolute height limit of 150 feet is preferable to a limitation based on the desired number of floors in a building. During the deliberations on the Columbia Downtown Master Plan, one potential limitation discussed was fourteen stories. It is unlikely a fourteen story building could be achieved with a maximum height of 150 feet. Depending on the mix of uses and the roof pitch, fourteen stories could mean a building height of as much as 180 feet.**

Current architectural styles are generally taller than typical buildings constructed in the past. Ground floors are taller to accommodate retail, restaurants and lobbies; office floors are taller to incorporate under-the-floor technology; residential floors are also taller to provide more light and space; and pitched roofs are sometimes favored over flat roofs.

A combination of the preferred maximum number of stories plus an absolute height limit would provide a clearer standard for what is desired in the Town Center than height alone.

V. RECOMMENDATION APPROVAL

For the reasons noted above, the Department of Planning and Zoning recommends that ZRA-79 as noted above, be **APPROVED**, with the text recommended above.


Marsha S. McLaughlin, Director

03/26/07 _____
Date

MM/JRL/jrl

NOTE: The file on this case is available for review at the Public Service Counter in the Department of Planning and Zoning.